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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	No. CR 09-00775 SBA
)	
Plaintiff,)	STIPULATION AND PROPOSED
)	ORDER CONTINUING STATUS
v.)	CONFERENCE AND EXCLUDING TIME
)	
JUAN OCTAVIANO LOPEZ,)	
aka Juan Octavio Lopez Ortiz,)	
aka Juan Lopez Gomez,)	
aka Manuel Vargas, and)	
GLENDY GOMEZ,)	
aka Glendy Elizabeth Gomez,)	
)	
Defendants.)	

Plaintiff, by and through its attorney of record, and defendants, by and through their counsel of record, hereby stipulate and ask the Court to find as follows:

1. A status conference in this matter is currently scheduled for 10:00 a.m. on Tuesday, May 10, 2011, before this Court.

2. The parties request that this hearing be continued until 10:00 a.m. on Tuesday, June 7, 2011, before this Court, in order to provide defendants' counsel with additional time to

STIPULATION AND ORDER RESCHEDULING
HEARING; EXCLUDING TIME

1 evaluate the evidence in this case and determine whether or not defendant should enter a change
2 of plea or file motions and to prepare for trial in this matter.

3 3. Specifically, additional time is needed for defendant Lopez's defense counsel to
4 review the record regarding defendant Lopez's prior state felony narcotics conviction and to
5 determine whether or not to initiate court proceedings to attack that prior conviction. Counsel for
6 both defendants also continue to need additional time to review the discovery in this matter and
7 to determine whether motions are appropriate. In addition, all parties are reviewing and
8 analyzing the results of testing of the narcotics in this case that was conducted by a non-
9 government laboratory. The parties believe that failure to grant the above-requested continuance
10 would deny defendants' counsel and defendant the reasonable time necessary for effective
11 preparation taking into account the exercise of due diligence and that the ends of justice served
12 by continuing the case as requested outweigh the interest of the public and defendant in a trial
13 within the date prescribed by the Speedy Trial Act.

14 4. Thus, the parties respectfully request that the Court find that the time period from
15 May 10, 2011, to June 7, 2011, is excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A), (B)(iv)
16 because it results from a continuance granted by the Court at the defendants' request and on the
17 basis of the Court's finding that the ends of justice served by taking such action outweigh the
18 best interest of the public and the defendants in a speedy trial and because failure to grant the
19 continuance would unreasonably deny defense counsel the time necessary for effective
20 preparation for trial, taking into account due diligence.

21 IT IS SO STIPULATED.

22 MELINDA HAAG
23 United States Attorney

24 Dated: May 9, 2011

25 /s/
26 GARTH HIRE
27 Assistant United States Attorney
28 Attorney for United States of America

Dated: May 9, 2011

/s/
LYNN KESLAR

Attorney for Defendant
Juan Octaviano Lopez

Dated: May 9, 2011

/s/
RANDALL KNOX

Attorney for Defendant
Glendy Gomez

~~PROPOSED~~ ORDER

FOR GOOD CAUSE SHOWN, IT IS SO FOUND AND ORDERED THAT:

1. The currently scheduled May 10, 2011, status conference hearing is vacated. A status conference hearing is now scheduled for 10:00 a.m. on June 7, 2011, before this Court.

2. The time period from May 10, 2011, to June 7, 2011, is deemed excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A), (B)(iv) because it results from a continuance granted by the Court at the defendants' request and on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendants in a speedy trial and because failure to grant the continuance would unreasonably deny defense counsel the time necessary for effective preparation for trial, taking into account due diligence.

DATED: 5/9/11


HONORABLE SAUNDRA BROWN ARMSTRONG
UNITED STATES DISTRICT JUDGE